

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN THE MATTER OF THE PETITION)
OF KAVANAGH FISHERIES, INC.,)
OWNER OF THE F/V ATLANTIC) CIVIL ACTION NO. 05-10637-GAO
FOR EXONERATION FROM OR)
LIMITATION OF LIABILITY)

**PETITIONER, KAVANAGH FISHERIES, INC.'S OPPOSITION
TO THE CLAIMANTS' MOTION TO EXTEND THE SCHEDULING ORDER**

Now comes the Petitioner, Kavanagh Fisheries, Inc., and hereby opposes the Claimants' Motion to Extend the Scheduling Order.

In support of this opposition, the Petitioner states that the Claimants have ignored every discovery deadline previously agreed upon in the Joint Scheduling Statement. The instant motion is not just about extending the Scheduling Order, but seeks to relieve the Claimants of the consequences of their willful disregard of the deadlines in place.

At the Scheduling Conference on May 23, 2006, all parties agreed to the schedule which the Court adopted. Pursuant that schedule, all factual discovery, including responses to written discovery requests, was to be completed by December 29, 2006. Expert designations/disclosure was due from the Claimants on January 26, 2007. None of this has been done.

The Petitioner provided its Automatic Disclosure to the Claimants on June 30, 2006. The Petitioner propounded interrogatories to the Claimants on June 30, 2006. It wasn't until October 5, 2006 that the Petitioner received Zim's Automatic Disclosure, and it wasn't until December 11, 2006 that the Petitioner received signed copies of Zim's Answers to Interrogatories and its Response to Request for Production of Documents.

The Claimants, Lombard and Berryford, have never answered interrogatories and have never even provided the Petitioner with Automatic Disclosure. None of the Claimants have disclosed an expert to date.

WHEREFORE, the Petitioner respectfully requests that this Court deny the Claimants' motion to extend deadlines at this time. The Petitioner reserves the right to submit an additional memorandum in support of this opposition with appropriate legal citations concerning the issue of the Claimants' failure to comply with its obligations pursuant to the Federal Rules of Civil Procedure and/or the local rules.

By its attorneys,

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/s/ Joseph A. Regan

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